

REMARKS / ARGUMENTS

The present application includes pending claims 1-36, which includes previously presented claims 1-26 and newly added claims 27-36. The Examiner rejected claims 1-2, 11-12, and 21-26 on the ground of non statutory obviousness-type double patenting as being unpatentable over claims 1, 2, 22, and 23 of U.S. Patent No. 6,327,311. Claims 4-6 and 14-16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 4-6 and 14-16 would be allowable if rewritten to overcome the rejection(s) under 35 USC 112, 2nd paragraph, set forth in this Office Action and to include all of the limitations of the base claim and any intervening claims. Claims 3, 7-10, 13 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 27-36 are newly added claims rewritten in independent or dependent format to replace respectively cancelled claims 3, 7-10, 13 and 17-20 and to include all of the limitations of the base claims and any intervening claims as suggested by the Examiner. Claims 5, 15-16 and 23-24 have been amended as set forth above to further clarify the language used in these claims and to further prosecution of the present application. The Applicant submits arguments

with respect to claims 1-38 and respectfully submits that the claims define patentable subject matter.

I. REJECTION UNDER DOUBLE PATENTING To Claims 1-2, 11-12, and 21-26 – Submit Terminal Disclaimer

Claims 1-2, 11-12, and 21-26 are rejected on the ground of non statutory obviousness-type double patenting as being unpatentable over claims 1, 2, 22, and 23 of U.S. Patent No. 6,327,311. The Examiner states on page 2 in the Office Action that:

“Although the conflicting claims are not identical, they are not patentably distinct from each other because communications over the UWB wireless transmission channel is well known in the art”.

The Applicant respectfully traverses this rejection, but nevertheless is submitting herewith a Terminal Disclaimer in compliance with 37 C.F.R. §1.321(c), to obviate the double patenting rejection and respectfully requests that claims 1-2, 11-12, and 21-26 be allowed.

II. REJECTION UNDER 35 U.S.C. § 112 To Claims 4-6 and 14-16

On page 3 of the Office Action, the Examiner states that “claims 4-6 and 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.”

Regarding Claims 4 and 14, the Examiner states:

“The recitations of "said second passband single carrier transmitter" and "said second piconet" recited in claim 4, lines 3 and 4 lack antecedent basis. Similar problems exist for the same recitations recited in claim 14, lines 4 and 5. “
(see the Office Action page 3)

To overcome the rejection(s) under 35 U.S.C. 112 in claim 4, the Applicant submits that claim 4 should properly depend from claim 3 instead of claim 2. Since the Applicant has cancelled claim 3 in favor of a newly added claim 27, the Applicant has cancelled claim 4 and replaced claim 4 with claim 28 to properly depend from claim 27. Similarly, the Applicant submits that claim 14 should properly depend from claim 13 instead of claim 12. Since the Applicant has cancelled claim 13 in favor of a newly added claim 33, the Applicant has cancelled claim 14 to properly depend from claim 33.

Therefore, the Applicant respectfully requests that the rejections of newly added claims 28 and 34 (which replace claims 4 and 14 respectively) under 35 U.S.C. 112, second paragraph be withdrawn.

Regarding the rejection of claims 5-6 and 15-16, the Examiner in states

“The recitation of "said first piconet" recited in claim 5, line 2 lacks antecedent basis. Similar problem exists for the same recitation recited in claim 15, line 2.”

“The recitation of "said first piconet" recited in claim 6, line 2 lacks antecedent basis. Similar problem exists for the same recitation recited in claim 16, lines 3-4.” (see the Office Action page 4)

To overcome the rejection(s) under 35 U.S.C. 112 in claim 5, The Applicant has amended claim 5 to properly depend from claim 2 instead of claim

1. Similarly, claim 15 has been amended to depend from claim 12 instead of claim 11. Accordingly, claims 6 and 16 depend from the amended claims 5 and 15 respectively, and consequently should be allowable at least for the same rationale discussed above with respect to amended claims 5 and 15. Therefore, the Applicant respectfully requests that the rejections of amended dependent claims 5-6 and 15-16 under 35 U.S.C. 112, second paragraph be withdrawn.

In addition, the Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 4-6, 14-16.

III. Allowable Subject Matter

The Examiner states on page 4 of the Office Action:

“Claims 3, 7-10, 13 and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.”

The Applicant has cancelled claims 3, 7-10, 13 and 17-20, and have written respective new claims 27, 29-33, 35-38 to include all the limitations of the base claim and any intervening claims as suggested by the Examiner. Claim 3 has been replaced by claim 27, claim 7-10 have been replaced by claims 29-34, claim 13 has been replaced by claim 35 and claims 17-20 have been replaced by claims 35-38 respectively. Therefore, the Applicant respectfully submits that the newly added claims 27, 29-33, 35-38 are allowable.

The Examiner also states on page 4 of the Office Action:

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“Claims 4-6, 14-16 would be allowable if rewritten to overcome the rejections under 35 USC 112, 2nd paragraph, set forth in this Office Action and to include all of the limitations of the base claims and any intervening claims.”

The Applicant has presented earlier discussion regarding replacing claims 4 and 14 by new claims 28 and 34, respectively, and the amendments to claims 5 and 15, to overcome the rejections under 35 USC 112, 2nd paragraph of claims 4-6 and 14-16, and respectfully requests that claims 28, 34, 5-6 and 15-16 are allowable.

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CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-38 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8093.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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